

Be the Hero

Department of Veterans Affairs

Semiannual Regulatory Agenda

Department of Veterans Affairs (VA)

DEPARTMENT OF VETERANS
AFFAIRS

38 CFR Chapter I

Unified Agenda of Federal Regulatory
and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning October 1999. The purpose in publishing the Department's regulatory agenda is to

allow all interested persons the opportunity to participate in VA's regulatory planning.

ADDRESSES: Interested persons are invited to comment on the entries listed in the agenda by contacting the individual agency contact listed for each entry or by writing to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Gloria Armstrong at (202) 273-8605.

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 "Regulatory

Planning and Review" (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that VA will have under development or review. For this edition of VA's regulatory agenda, we have concluded that we do not have any regulatory submissions for the October 1999 Regulatory Plan. However, the Agency's Statement of Regulatory Priorities does appear in this issue of the **Federal Register**.

Thomas O. Gessel,

Director, Office of Regulations Management.

Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3148	Exemption from Pharmacy Copay	2900-AJ12
3149	Medical Care and Treatment for which VA Will Not Seek Reimbursement	2900-AJ20
3150	Clothing Allowance	2900-AJ21
3151	Provision of Aids to the Blind	2900-AJ22
3152	Priorities for State Home Grants for Construction, Acquisition, or Renovation	2900-AJ43
3153	Per Diem for Adult Day Health Care of Veterans in State Homes	2900-AJ74
3154	Policy Regarding Participation in National Practitioner Data Bank	2900-AJ76
3155	Aids for the Blind	2900-AJ83
3156	Schedule for Rating Disabilities—Neurological Conditions and Convulsive Disorders	2900-AF23
3157	Schedule for Rating Disabilities—Digestive System	2900-AF24
3158	Revised Definition of Net Value and Revised Criteria for Pre-Foreclosure Debt Waivers	2900-AG20
3159	Individual Unemployability	2900-AH21
3160	Evidence on File at Date of Death	2900-AH42
3161	Ankylosis and Limitation of Motion of Digits of the Hands	2900-AI44
3162	New Criteria for Approval of Courses for Educational Assistance Programs	2900-AI67
3163	Veterans Education: Reporting and Recordkeeping Requirements at Flight Schools	2900-AJ23
3164	Dependents Education: Verification of Pursuit and Continued Enrollment	2900-AJ41
3165	Well Grounded Claims/Duty to Assist	2900-AJ44
3166	Revised Criteria for Monetary Allowance for a Child Born with Spina Bifida Who Is a Child of a Vietnam Veteran ..	2900-AJ51
3167	Certification Evidence for Proof of Service	2900-AJ55
3168	Claims Based on Effect of Tobacco Products	2900-AJ59
3169	Schedule for Rating Disability: The Spine	2900-AJ60
3170	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
3171	National Service Life Insurance	2900-AJ78
3172	Evidence of Permanent and Total Disability	2900-AJ82
3173	Schedule for Rating Disabilities: Global Assessment of Functioning Scale in the Evaluation of Mental Disorders ...	2900-AJ84
3174	Benefit of the Doubt	2900-AJ93
3175	Permanent Incapacity for Self-Support	2900-AJ95
3176	Department of Veterans Affairs Acquisition Regulation—Simplified Acquisition Procedures for Health Care Resources	2900-AI71
3177	Contractor Qualifications	2900-AJ05
3178	VA Acquisition Regulation Part 819, Small Business and Small Disadvantaged Business Concerns	2900-AJ36
3179	Universal Product Numbers (UPNs)	2900-AJ45
3180	Construction and Architect-Engineer Contracts	2900-AJ56
3181	Application of Labor Laws to Government Acquisitions	2900-AJ81
3182	Board of Veterans Appeals: Rules of Practice—Subpoenas	2900-AJ58
3183	Notice of Appeal in Simultaneously Contested Claims	2900-AJ73
3184	Headstone and Marker Inscription Policy	2900-AH45
3185	State Cemetery Grants: Aid to States for Establishment, Expansion, and Improvement of Veterans Cemeteries	2900-AH46
3186	Eligibility for Burial of Dependent Adult Children of Eligible Veterans	2900-AI95

VA

Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
3187	Use of the Secretary's Authority as Provided by 38 U.S.C. 2402(6)	2900-AJ48
3188	Outer Burial Receptacles	2900-AJ49
3189	Interment or Memorialization in VA National Cemeteries and Certain State Cemeteries—Federal or State Capital Crime	2900-AJ77
3190	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3191	Per Diem for Nursing Home Care of Veterans in State Homes	2900-AE87
3192	Provision of Drugs and Medicines Prescribed by Non-VA Physicians	2900-AJ24
3193	Advanced Health Care Planning	2900-AJ28
3194	Provision of Drugs and Medicines to Certain Veterans in State Nursing Homes	2900-AJ34
3195	Schedule for Rating Disabilities—The Skin	2900-AF00
3196	Amendments to Training and Rehabilitation Programs	2900-AG00
3197	Vision	2900-AH43
3198	Intervertebral Disc Syndrome	2900-AI22
3199	New Eligibility Criteria for the Montgomery GI Bill—Active Duty, Other Miscellaneous Issues	2900-AI63
3200	Reservist Education: Monthly Verification of Enrollment and Other Reports	2900-AI68
3201	Veterans Training: Increase in Rates Payable under 38 U.S.C. Chapter 31	2900-AI74
3202	Amended Criteria for Approval of Flight Training Courses	2900-AI76
3203	Use of Facilities To Provide Training or Work Experience for Veterans	2900-AJ01
3204	Eligibility Reporting Requirements	2900-AJ09
3205	Dependents Education: Eligibility and Entitlement Standards	2900-AJ19
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3207	Cash Value for National Service Life Insurance (NSLI) Term Capped Policies	2900-AJ35
3208	Exclusions from Income	2900-AJ52
3209	Child	2900-AJ54
3210	DIC Benefits for Survivors of Certain Veterans Rated Totally Disabled at Time of Death	2900-AJ65
3211	Modified Eligibility Criteria for the Montgomery GI Bill—Active Duty	2900-AJ69
3212	Servicemembers' Group Life Insurance and Veterans' Group Life Insurance Accelerated Benefits Option	2900-AJ80
3213	Rate Increase for the Educational Assistance Test Program; 1999-2000 Academic Year	2900-AJ87
3214	Increase in Rates Payable under the Montgomery GI Bill—Selected Reserve	2900-AJ88
3215	Increase in Rates Payable under the Montgomery GI Bill—Active Duty	2900-AJ89
3216	Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues	2900-AJ90
3217	VA Acquisition Regulations Part 801, Legal/Technical Review Requirements	2900-AI96
3218	Sealed Bidding and Competitive Proposals	2900-AI99
3219	VA Acquisition Regulations: Simplified Acquisition Procedures	2900-AJ16
3220	VA Acquisition Regulations; Part 802, Definition of "Head of Contracting Activity"	2900-AJ26
3221	VA Acquisition Regulations: Part 801, VA Contracting Officer Certification Program	2900-AJ33
3222	Board of Veterans Appeals—Rules of Practice—Attorney Fee Matters	2900-AI98
3223	Appeals Regulations, Rules of Practice: Title Change	2900-AJ57
3224	Delegations of Authority—Appeals Regulations and Rules of Practice	2900-AJ66
3225	Case Docketing—Appeals Regulations and Rules of Practice	2900-AJ72
3226	Notification of Representatives in Connection with Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error	2900-AJ75
3227	Board of Veteran's Appeal; Rules of Practice—Motion for Review of Decisions on Grounds of Clear and Unmistakeable Error: Content of Record; Advancement on the Docket	2900-AJ85
3228	Delegation of Authority—Decisionmaking Regarding Discrimination	2900-AJ63
3229	Release of Information from Department of Veterans Affairs Records	2900-AH98
3230	Recognition of Organizations and Accreditation of Representatives	2900-AI93

VA

Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3231	Protection of Human Subjects	2900-AJ08
3232	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA	2900-AE20
3233	Acceptance of Partial Payments; Indemnification of Default	2900-AE60
3234	Schedule for Rating Disabilities—The Orthopedic System	2900-AE91
3235	Medical Evidence That a Disability Has Improved	2900-AH82
3236	Child Custody	2900-AI10
3237	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AI42
3238	Revision of Decision	2900-AI64
3239	Loan Guaranty: Advertising and Solicitation Disclosure Requirements	2900-AJ86
3240	Loan Guaranty: Revision to VA Work Rules for Credit Scored Loans	2900-AJ91
3241	Loan Guaranty: Credit Standards Revision	2900-AJ92
3242	Appeals Regulations; Rules of Practice	2900-AE78
3243	Rules of Practice; Hearings	2900-AG07
3244	Rules of Practice: Medical Opinions; Appeal Processing and Submission of Additional Evidence	2900-AG90
3245	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance	2900-AJ11
3246	Operation of Child Care Centers at VA Facilities	2900-AD48

Completed Actions

Sequence Number	Title	Regulation Identification Number
3247	Reconsideration of Denied Claims	2900-AJ03
3248	Medication Prescribing Authority	2900-AJ07
3249	Enrollment and Provisions of Hospital Care and Medical Services	2900-AJ18
3250	Medical Care Collection or Recovery	2900-AJ30
3251	Enrollment—Provision of Hospital and Outpatient Care to Veterans—Priority Category 7	2900-AJ71
3252	Schedule for Rating Disabilities—Diseases of the Ear and Other Sense Organs	2900-AF22
3253	Fibromyalgia	2900-AH05
3254	Service Connection for Dental Conditions for Treatment Purposes	2900-AH41
3255	Veterans Education: Effective Date for the Award of Educational Assistance	2900-AH76
3256	Veterans Education: Advanced Payments and Lump Sum Payments for Educational Assistance	2900-AI31
3257	Loan Guaranty: Requirements for Interest Rate Reduction Refinancing Loans	2900-AI92
3258	Direct Service Connection (Post-Traumatic Stress Disorder)	2900-AI97
3259	Additional Requirements for Interest Rate Reduction Refinancing Loans	2900-AJ02
3260	Veterans and Dependents Education: Increase in Educational Assistance Rates	2900-AJ37
3261	Reservist Education: Increase in Educational Rates	2900-AJ38
3262	Veterans Education: Effective Date for Discontinuing Educational Assistance	2900-AJ39
3263	Veterans Education: Increased Allowances for the Educational Assistance Test Program	2900-AJ40
3264	Schedule for Rating Disabilities: Disabilities of the Liver	2900-AJ46
3265	Pension Benefits	2900-AJ50
3266	Reinstatement of Benefits Eligibility Based Upon Terminated Marital Relationships	2900-AJ53
3267	Returned and Canceled Checks	2900-AJ61
3268	Surviving Spouses Benefit for Month of Veteran's Death	2900-AJ64
3269	Veterans Education: Montgomery GI Bill—Active Duty—Administrative Error	2900-AJ70
3270	Definitions	2900-AJ94
3271	Purchase Card/Electronic Data Interchange	2900-AI41
3272	VAAR Part 803—Improper Business Practices and Personal Conflict of Interest, and Part 852—Solicitation Provisions in Contract Clauses	2900-AJ06
3273	VA Acquisition Regulation: Taxes	2900-AJ32
3274	VA Acquisition Regulations: Bonds and Insurance	2900-AJ47
3275	National Cemetery Administration Title Changes	2900-AJ79
3276	Delegations of Authority; Federal Tort Claims	2900-AJ31
3277	Entities Authorized To Receive and Distribute Department of Defense Surplus Food	2900-AI82

Department of Veterans Affairs (VA)

Proposed Rule Stage

**VETERANS HEALTH
ADMINISTRATION****3148. EXEMPTION FROM PHARMACY
COPAY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1521; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None**Abstract:** This action clearly establishes the base pension rate adjustment for number of dependents as the income threshold as a means to determine exemption from medication copayment.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Richard Rhoades, Director, Field Support, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8205
Email: d.rhoades@mail.va.gov**RIN:** 2900-AJ12**3149. MEDICAL CARE AND
TREATMENT FOR WHICH VA WILL
NOT SEEK REIMBURSEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1729**CFR Citation:** 38 CFR 17.101**Legal Deadline:** None**Abstract:** This document proposes to amend VA's medical regulations to provide that, under specified conditions, VA will not seek reimbursement from health insurance carriers or from veterans in the form of copayments for care or services not adjudicated as service connected.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy Howard, Senior Program Analyst, Department ofVeterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8198**RIN:** 2900-AJ20**3150. CLOTHING ALLOWANCE****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 1162**CFR Citation:** 38 CFR 3.810**Legal Deadline:** None**Abstract:** The regulatory action needs to be amended to contain specific language that submission of torn, worn, damaged clothing is not a specific condition for approving clothing allowances.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Frederick Downs Jr., Chief, Consultant, Prosthetic and Sensory Aids Strategic Healthcare Group, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8515**RIN:** 2900-AJ21**3151. PROVISION OF AIDS TO THE
BLIND****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1162; 38 USC 1710; 38 USC 1714(b)**CFR Citation:** 38 CFR 3.810**Legal Deadline:** None**Abstract:** The regulatory action needs to be amended to contain specific language for furnishing aids for the blind as part of prosthetic services to veterans receiving VA care under the authority of 38 U.S.C. section 1710, as amended by Public Law 104-262 and to those veterans eligible under the authority of 38 U.S.C. 1714(b).**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Frederick Downs Jr., Chief, Consultant, Prosthetic and Sensory Aids Strategic Healthcare Group, Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8515**RIN:** 2900-AJ22**3152. PRIORITIES FOR STATE HOME
GRANTS FOR CONSTRUCTION,
ACQUISITION, OR RENOVATION****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.216; 38 CFR 17.222**Legal Deadline:** None**Abstract:** This rule proposes to amend the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. VA also provides funds for projects for renovating existing State veterans hospital facilities provided that the renovations would not expand a State's capacity to furnish hospital care. This notice of proposed rulemaking requests comments regarding what regulations should be established with respect to the priorities for awarding State home grants for construction, acquisition, or renovation.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** State**Agency Contact:** Kathleen Greve, Chief, State Home Construction Program (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8536
Email: kathleen.greve@hg.med.va.gov**RIN:** 2900-AJ43

VA

Proposed Rule Stage

3153. PER DIEM FOR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1741; 38 USC 1742; 38 USC 1743**CFR Citation:** 38 CFR 51; 38 CFR 58**Legal Deadline:** None

Abstract: This document proposes to establish regulations setting forth a mechanism for paying per diem to State homes providing adult day health care to eligible veterans. The intended effect of the proposed regulations is to ensure that veterans receive high quality care in State homes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State

Agency Contact: L. Nan Stout, Chief, State Home Per Diem Program (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8538

Email: nan.stout@mail.va.gov

RIN: 2900-AJ74**3154. POLICY REGARDING PARTICIPATION IN NATIONAL PRACTITIONER DATA BANK****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1110 to 11152**CFR Citation:** 38 CFR 46**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its regulations concerning the reporting of physicians, dentists, and other health care practitioners to the National Practitioner Data Bank (NPDB). These regulations concern malpractice payment reporting and clinical privileges actions reporting. These amendments appear to be necessary to make the reporting process more efficient and fair and to ensure that reporting is accomplished in accordance with the statutory framework.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Ruth-Ann Phelps Ph.D., Health Science Specialist (10AE), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8473

RIN: 2900-AJ76**3155. AIDS FOR THE BLIND****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 1701; 38 USC 1710; 38 USC 1714(b)**CFR Citation:** 38 CFR 17; 37 CFR 17.154**Legal Deadline:** None

Abstract: This document proposes to establish regulations setting forth the requirements for the provision of mechanical and electronic equipment to aid blind veterans in overcoming the handicap of blindness.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Don Garner, Director of Blind Rehabilitation Service, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8481

Rose Mary McMahon, Executive Assistant, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8482

RIN: 2900-AJ83**VETERANS BENEFITS ADMINISTRATION****3156. SCHEDULE FOR RATING DISABILITIES—NEUROLOGICAL CONDITIONS AND CONVULSIVE DISORDERS****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 1155**CFR Citation:** 38 CFR 4.120; 38 CFR 4.121; 38 CFR 4.122; 38 CFR 4.123; 38 CFR 4.124; 38 CFR 4.124a**Legal Deadline:** None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the neurological system.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20169
ANPRM Comment Period End	07/01/91	
NPRM	08/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420

Phone: 202 272-7210

RIN: 2900-AF23**3157. SCHEDULE FOR RATING DISABILITIES—DIGESTIVE SYSTEM****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 1155**CFR Citation:** 38 CFR 4.114**Legal Deadline:** None

VA

Proposed Rule Stage

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the digestive system. This will include updating of diagnostic codes and evaluation criteria for liver diseases, particularly Hepatitis C.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20168
ANPRM Comment Period End	07/01/91	
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Caroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 272-7210

RIN: 2900-AF24

3158. REVISED DEFINITION OF NET VALUE AND REVISED CRITERIA FOR PRE-FORECLOSURE DEBT WAIVERS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 3720(a); 38 USC 3732(a)

CFR Citation: 38 CFR 36.4301; 38 CFR 36.4323

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to amend its loan guaranty regulations to revise the definition of property improvements for purposes of determining the net value of a foreclosed property and to clarify VA's position on pre-foreclosure debt waivers for liable veterans in cases involving transferee defaults. These changes will account for actual property appraisal procedures and will clarify agency policy on preforeclosure debt waivers. Note: Because the original Notice of Proposed Rulemaking (NPRM) was published on September 22, 1993 (58 FR 49251), VA will republish the NPRM to provide for a new notice and comment period before proceeding with a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/22/93	58 FR 49251

Action	Date	FR Cite
NPRM Comment Period End	10/22/93	
Second NPRM	12/00/99	
Second NPRM Comment Period End	01/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7380

RIN: 2900-AG20

3159. INDIVIDUAL UNEMPLOYABILITY

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 501(a); 38 USC 512(a); 38 USC 1110; 38 USC 1131; 38 USC 1155; 38 USC 1502; 38 USC 1521(a)

CFR Citation: 38 CFR 3.321; 38 CFR 3.340; 38 CFR 3.341; 38 CFR 3.342; 38 CFR 4.16; 38 CFR 4.17; 38 CFR 4.18

Legal Deadline: None

Abstract: This action will amend the regulations in part 3 of title 38, United States Code, and in the Schedule for Rating Disabilities in part 4 to provide clear and objective standards for determining whether a veteran is entitled to a total evaluation based on his or her inability to perform substantially gainful employment due to disability.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lorna Fox, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420

Phone: 202 273-7210

RIN: 2900-AH21

3160. EVIDENCE ON FILE AT DATE OF DEATH

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.1000

Legal Deadline: None

Abstract: This action will clarify the definition of "medical evidence on file at time of death" (Hayes v. Brown).

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7210

RIN: 2900-AH42

3161. ANKYLOSIS AND LIMITATION OF MOTION OF DIGITS OF THE HANDS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71a

Legal Deadline: None

Abstract: This document revises the evaluation criteria for ankylosis and limitation of motion of the fingers to ensure that veterans diagnosed with these conditions receive consistent evaluations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

VA

Proposed Rule Stage

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 272-7210
RIN: 2900-AI44

3162. NEW CRITERIA FOR APPROVAL OF COURSES FOR EDUCATIONAL ASSISTANCE PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3680A

CFR Citation: 38 CFR 21.4251; 38 CFR 21.4252; 38 CFR 21.4253; 38 CFR 21.7122; 38 CFR 21.7622

Legal Deadline: None

Abstract: This rule will bring various regulations into agreement with the Veterans Benefits Improvements Act of 1996. It will include new criteria for use in approving courses for the educational programs VA administers; it will include new criteria for VA to use in approving enrollments in courses. It will make other changes for the purposes of clarification.

Timetable:

Action	Date	FR Cite
NPRM	11/00/99	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AI67

3163. VETERANS EDUCATION: REPORTING AND RECORDKEEPING REQUIREMENTS AT FLIGHT SCHOOLS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 16136; 38 USC 3002; 38 USC 3034; 38 USC 3202; 38 USC 3241; 38 USC 3452; 38 USC 3471; 38 USC 5101

CFR Citation: 38 CFR 21.4235; 38 CFR 21.4263

Legal Deadline: None

Abstract: Veterans are required by statute to apply for any benefit the

Department of Veterans Affairs administers. This proposal will describe the information to be included in an application for educational assistance for the pursuit of flight training. VA believes that, in order to comply with various statutory requirements connected with the educational programs VA administers, flight schools with courses approved for VA training will have to keep some records beyond those required by the Federal Aviation Administration. This proposal will state those recordkeeping requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ23

3164. DEPENDENTS EDUCATION: VERIFICATION OF PURSUIT AND CONTINUED ENROLLMENT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3680; 38 USC 5113

CFR Citation: 38 CFR 21.4135; 38 CFR 21.4138; 38 CFR 21.4204; 38 CFR 21.5130; 38 CFR 21.5131; 38 CFR 21.5133; 38 CFR 21.5200

Legal Deadline: None

Abstract: VA will propose revising the effective dates of reductions in payments of Survivors' and Dependents' Educational Assistance (DEA) and will propose revising the effective dates of reductions in payment of educational assistance under the Post-Vietnam Era Veterans Educational Assistance Program (VEAP). VA also will propose to remove the requirement that an individual must verify his or her continued enrollment in and pursuit of a program of education leading to a standard college degree before VA will make the monthly payment of educational assistance under either DEA or VEAP.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ41

3165. WELL GROUNDED CLAIMS/DUTY TO ASSIST

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.159

Legal Deadline: None

Abstract: This document clarifies VA's policy regarding what action, if any, VA should take to develop information pertaining to benefit claims in adjudication proceedings when presented with claims that are not well grounded.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/98	63 FR 58336
ANPRM Comment Period End	01/28/99	
NPRM	01/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald England, Chief Regulations Staff (211), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7217

RIN: 2900-AJ44

3166. REVISED CRITERIA FOR MONETARY ALLOWANCE FOR A CHILD BORN WITH SPINA BIFIDA WHO IS A CHILD OF A VIETNAM VETERAN

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1805

CFR Citation: 38 CFR 3.814

VA

Proposed Rule Stage

Legal Deadline: None

Abstract: To revise criteria for evaluation of spina bifida by clarifying them and making them more objective.

Timetable:

Action	Date	FR Cite
NPRM	01/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 272-7210

RIN: 2900-AJ51

3167. CERTIFICATION EVIDENCE FOR PROOF OF SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501

CFR Citation: 38 CFR 3.203

Legal Deadline: None

Abstract: To allow the National Service Organization representatives to certify photocopies as proof of service.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald England, Chief Regulations Staff (211), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7217

RIN: 2900-AJ55

3168. CLAIMS BASED ON EFFECT OF TOBACCO PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1103

CFR Citation: 38 CFR 3.300; 38 CFR 3.310

Legal Deadline: None

Abstract: To implement Public Law 105-206, which prohibits service

connection for injury or disease attributable to the use of tobacco products by the veteran during the veteran's military service, except for disability or death that is otherwise shown to have been incurred or aggravated during service, or that meets the presumptive requirements of the law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7210

RIN: 2900-AJ59

3169. SCHEDULE FOR RATING DISABILITY: THE SPINE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.71a

Legal Deadline: None

Abstract: This amendment will contain additions, deletions, and revisions of terminology pertaining to spinal disabilities based on a systematic review of the medical criteria used to evaluate disabilities of the spine.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 272-7210

RIN: 2900-AJ60

3170. EDUCATION PROVISIONS OF THE VETERANS PROGRAMS ENHANCEMENT ACT OF 1998

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 16136; 38 USC 3034; 38 USC 3241; 38 USC 3485; 38 USC 3537; 38 USC 3677; 38 USC 3684; 38 USC 5101

CFR Citation: 38 CFR 21.4145; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4262

Legal Deadline: None

Abstract: This rule will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998. This will include revising the calculation of the reporting fee paid to educational institutions; making advance payments to work-study students optional rather than mandatory; and revising the approval criteria for on-job training programs offered by the Federal Government or by State or local governments.

Timetable:

Action	Date	FR Cite
NPRM	01/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ68

3171. NATIONAL SERVICE LIFE INSURANCE

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 501; 38 USC 1901 et seq; 38 USC 1981 et seq

CFR Citation: 38 CFR 8.2; 38 CFR 8.3; 38 CFR 8.4; 38 CFR 8.6; 38 CFR 8.9

Legal Deadline: None

Abstract: National Service Life Insurance regulations are being amended by rewriting and reorganizing

VA

Proposed Rule Stage

the text of four sections into a different format to facilitate better communication of the rules to policyholders and to those who administer the program. This amendment is written in conjunction with Veterans Benefits Administration's (VBA) Plain English initiative and supports an Executive Memorandum which mandates plain language in written Government communications. The proposed regulation contains information currently provided under sections 8.2, 8.3, 8.4, and 8.9, as well as topics covered by the current section 8.6. The material found in these sections and other related information is combined into one new regulation, section 8.2.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: George Poole, Chief, Program Administration and Oversight Staff (Insurance Service), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101
Phone: 215 842-2000

RIN: 2900-AJ78

3172. EVIDENCE OF PERMANENT AND TOTAL DISABILITY

Priority: Other Significant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 3.3(a)

Legal Deadline: None

Abstract: This amendment would allow VA to accept the following types of evidence as establishing that a veteran is permanently and totally disabled, without need for medical evidence: (1) Status as a nursing home patient, (2) SSA determination of total disability, and (3) attainment of age 65.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Donald England, Chief Regulations Staff (211), Department of Veterans Affairs,

Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7217

RIN: 2900-AJ82

3173. • SCHEDULE FOR RATING DISABILITIES: GLOBAL ASSESSMENT OF FUNCTIONING SCALE IN THE EVALUATION OF MENTAL DISORDERS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 4.125

Legal Deadline: None

Abstract: To assure evaluation of mental disorders is based solely on rating schedule criteria.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 272-7210

RIN: 2900-AJ84

3174. • BENEFIT OF THE DOUBT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 5107(b)

CFR Citation: 38 CFR 3.102

Legal Deadline: None

Abstract: This action proposes to amend 38 CFR part 3 by adding a new subpart D—Universal Adjudication Rules. This new subpart would consist of reorganized sections from existing subpart A. The first of these sections to be reorganized is the general concept of “benefit of the doubt.” The intended effect of this amendment is to retain the existing provision but rewritten in a reorganized format using plain language principles and recognizing decisions of the U.S. Court of Appeals for Veterans Claims.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7228
Fax: 202 275-4800

RIN: 2900-AJ93

3175. • PERMANENT INCAPACITY FOR SELF-SUPPORT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 1115; 38 USC 1311; 38 USC 1313; 38 USC 1314; 38 USC 1521; 38 USC 1541; 38 USC 1542; PL 101-508; PL 102-568

CFR Citation: 38 CFR 3.356

Legal Deadline: None

Abstract: This action proposes to amend 38 CFR part 3 to conform it to the Presidential Memorandum of June 1, 1998, Plain Language in Government Writing, by revising provisions on helpless children in section 3.356 and by incorporating rules on helpless children in VA's Adjudication Procedures Manual, M21-I.

Timetable:

Action	Date	FR Cite
NPRM	06/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7228
Fax: 202 275-4800

RIN: 2900-AJ95

VA

Proposed Rule Stage

**OFFICE OF ACQUISITION AND
MATERIEL MANAGEMENT****3176. DEPARTMENT OF VETERANS
AFFAIRS ACQUISITION
REGULATION—SIMPLIFIED
ACQUISITION PROCEDURES FOR
HEALTH CARE RESOURCES****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 8153**CFR Citation:** 48 CFR 801; 48 CFR 806;
48 CFR 812; 48 CFR 837; 48 CFR 852;
48 CFR 873**Legal Deadline:** None

Abstract: VA intends to withdraw the proposed rule concerning simplified acquisition procedures for health-care resources published in the Federal Register on November 9, 1998 (63 FR 60256), and to promulgate a new proposed rule concerning simplified acquisition procedures for health-care resources. The new proposed rule document would amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to establish simplified procedures for the competitive acquisition of health-care resources, consisting of commercial services or the use of medical equipment or space, pursuant to 38 U.S.C. 8151-8153. Public Law 104-262, the Veterans' Health Care Eligibility Reform Act of 1996, authorized VA to prescribe simplified procedures for the procurement of health-care resources. The proposed rule would prescribe those procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60256
Second NPRM	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8819

Email: donald.kaliher@mail.va.gov

RIN: 2900-AI71

**3177. CONTRACTOR
QUALIFICATIONS****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 38 USC 486(c)**CFR Citation:** 48 CFR 809**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend VA Acquisition Regulation to update VA debarment and suspension procedures, remove a certification requirement regarding conflict of interest, add a standard provision for use by contracting officers to collect currently required information, update references and titles, delegate authority, reorganize material, and delete obsolete material.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8819
Email: donald.kaliher@mail.va.gov

RIN: 2900-AJ05

**3178. VA ACQUISITION REGULATION
PART 819, SMALL BUSINESS AND
SMALL DISADVANTAGED BUSINESS
CONCERNS****Priority:** Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 819**Legal Deadline:** None

Abstract: This rule proposes to amend part 819 of the VA Acquisition Regulation (VAAR) to remove obsolete material, to update references and titles, and to amend the VAAR to correspond to the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Rita Williams, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8774
Email: rita.williams@mail.va.gov

RIN: 2900-AJ36

**3179. UNIVERSAL PRODUCT
NUMBERS (UPNS)****Priority:** Info./Admin./Other**Legal Authority:** 38 USC 501; 40 USC 486(c)**CFR Citation:** 48 CFR 811; 48 CFR 852**Legal Deadline:** None

Abstract: This rulemaking action would provide new contract clauses whereby Department of Veterans Affairs contracting officers could require contractors to furnish products marked at the case, box, and unit of use levels with Universal Product Numbers (UPNs) for scanning using bar code readers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8819
Email: donald.kaliher@mail.va.gov
RIN: 2900-AJ45

3180. CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 801; 48 CFR 832; 48 CFR 836; 48 CFR 843; 48 CFR 846; 48 CFR 852

Legal Deadline: None

Abstract: This rule proposes to amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to revise and update section numbers and titles, to make minor grammatical corrections and revisions, to delegate authority, and to update parts 836, Construction and Architect-Engineer Contracts, and 852, Solicitation Provisions and Contract Clauses, all to correspond to the Federal Acquisition Regulation (FAR). The rule would clarify how existing VAAR clauses relating to construction contracts are to be used, remove obsolete or duplicative materials, update the VAAR regarding certified cost or pricing data, and provide agency procedures regarding disclosure of the Government cost estimate on construction contracts. The rule would also remove a "guarantee" clause from the VAAR and provide for VA contracting officers to use the FAR "warranty" clause for construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8819
Email: donald.kaliher@mail.va.gov
RIN: 2900-AJ56

3181. APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 38 USC 501; 38 USC 4212; PL 105-333, sec 1354

CFR Citation: 48 CFR 822; 48 CFR 852

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs Acquisition Regulation (VAAR) to add a requirement for contractor representation regarding compliance with veterans employment reporting requirements. This amendment is necessary to assist contracting officers in meeting the requirements of Public Law 105-333 (also known as the Veterans Employment Opportunities Act of 1998), section 1354. This section will prohibit agencies from obligating or expending appropriated funds to enter into a contract described in section 4212(a) of title 38 with a contractor from which a report was required under section 4212(a) if such contractor did not file the required report.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Ramona Jones, Senior Procurement Analyst (95A), Department

of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8821
Email: jones@mail.va.gov
RIN: 2900-AJ81

BOARD OF VETERANS APPEALS

3182. BOARD OF VETERANS APPEALS: RULES OF PRACTICE—SUBPOENAS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 5711; 38 USC 5713; 38 USC 7102(a)

CFR Citation: 38 CFR 20.711

Legal Deadline: None

Abstract: VA has the authority to issue subpoenas to compel the attendance of witnesses and/or the production of evidence. This authority has been delegated to Members of the Board through Rule of Practice 711 (38 CFR 20.711), which also sets forth the relevant procedures and generally provides that subpoenas will be issued pursuant to a motion filed with the Board, which is in turn decided by a Board Member or panel of Members.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AJ58

3183. NOTICE OF APPEAL IN SIMULTANEOUSLY CONTESTED CLAIMS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 19.192; 38 CFR 20.502

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its Appeals

VA

Proposed Rule Stage

Regulation and a Rule of Practice concerning simultaneously contested claims to make them more consistent with an authorizing statute and with each other. The statutory provision is currently implemented in two regulations. 38 U.S.C. 7105A(b) provides that when one contesting party files his or her "formal appeal" the "substance" of the formal appeal will be communicated to the other contesting parties who then have 30 days to file an answering brief or argument.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected: None**

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AJ73

NATIONAL CEMETERY SYSTEM**3184. HEADSTONE AND MARKER INSCRIPTION POLICY**

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 501; 38 USC 2306

CFR Citation: 38 CFR 1.630; 38 CFR 1.632

Legal Deadline: None

Abstract: The proposed rule revises 38 CFR 1.630 to implement Department of Veterans Affairs (VA) regulations on its inscription policy for use on Government-provided headstones or markers. The amendment formalizes implementation of an all-inclusive inscription policy. This policy change provides for the payment at Government expense of text only, space permitting, for optional inscriptions on all Government headstones or markers. The rule is published as a proposed rule in the Federal Register to provide

information to the public on specific changes to VA's inscription policy for Government furnished headstones or markers. A 60-day public comment period is provided. The proposed rule will not have a significant economic impact on a substantial number of small entities and only individual VA beneficiaries could be directly affected.

Timetable:

Action	Date	FR Cite
NPRM	03/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected: None**

Agency Contact: Sonja McCombs, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
TDD Phone: 202 273-6697

RIN: 2900-AH45

3185. STATE CEMETERY GRANTS: AID TO STATES FOR ESTABLISHMENT, EXPANSION, AND IMPROVEMENT OF VETERANS CEMETERIES

Priority: Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 2408

CFR Citation: 38 CFR 39.1; 38 CFR 39.2; 38 CFR 39.3; 38 CFR 39.7; 38 CFR 39.8; 38 CFR 39.9 (New)

Legal Deadline: None

Abstract: The proposed rule revises 38 CFR part 39 to amend Department of Veterans Affairs (VA) regulations for the State Cemetery Grants Program to implement and update information on program requirements and the application process for participants. The amendment formalizes new standards and provides guidance on how States may obtain funding for grants to expand, establish, or improve State veterans cemeteries. The rule is published as proposed in the Federal Register to provide information to the public on how to apply for Federal funding for State veterans cemeteries. A 60-day public comment period is provided. It is subject to the

requirements of the Administrative Procedures Act and E.O. 12866 because the rule is an interpretation of statute. The proposed rule will not have a significant economic impact on a substantial number of small entities; only those States that apply for funding may be direct beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected: State**

Agency Contact: Kenneth Greenberg, Program Analyst (402), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5179
TDD Phone: 202 271-6697

RIN: 2900-AH46

3186. ELIGIBILITY FOR BURIAL OF DEPENDENT ADULT CHILDREN OF ELIGIBLE VETERANS

Priority: Other Significant

Legal Authority: 38 USC 2402(5)

CFR Citation: 38 CFR 1.620(c)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend regulations to specify that the eligibility of veterans' adult children for burial in a national cemetery is only for those who have become permanently incapable of self support before attaining the age of 21 years due to a physical or mental disability. Current regulations do not clearly express this requirement.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected: None**

Agency Contact: Sonja McCombs, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
TDD Phone: 202 273-6697

RIN: 2900-AI95

VA

Proposed Rule Stage

3187. USE OF THE SECRETARY'S AUTHORITY AS PROVIDED BY 38 U.S.C. 2402(6)**Priority:** Other Significant**Legal Authority:** 38 USC 2402(6)**CFR Citation:** 38 CFR 1.620(d)**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is issuing a proposed rule to define individuals and groups of individuals, who are otherwise not eligible for burial in a VA national cemetery, that would be considered under the Secretary's authority in 38 U.S.C. 2402(6). These new regulations establish a consistent basis for VA to determine those individuals or groups of individuals that VA may consider for eligibility under 38 U.S.C. 2402(6).

Timetable:

Action	Date	FR Cite
NPRM	03/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sonja McCombs, Program Analyst (402B1), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
TDD Phone: 202 273-6697

RIN: 2900-AJ48**3188. OUTER BURIAL RECEPTACLES****Priority:** Other Significant**Legal Authority:** 38 USC 501(a); PL 104-275**CFR Citation:** 38 CFR 1.629**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is issuing a proposed rule to implement the provisions of Public Law 104-275 regarding outer burial receptacles. The proposal establishes new regulations to notify individuals that they may choose to privately purchase an outer burial receptacle in lieu of using a Government-provided grave liner in VA national cemeteries, where such grave liners are authorized. VA will provide a monetary allowance for the privately purchased outer burial

receptacle. The proposed rule establishes the requirements for the allowance to be paid and the manner in which it will be paid.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Kenneth Greenberg, Program Analyst (402), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5179
TDD Phone: 202 271-6697

RIN: 2900-AJ49**3189. INTERMENT OR MEMORIALIZATION IN VA NATIONAL CEMETERIES AND CERTAIN STATE CEMETERIES—FEDERAL OR STATE CAPITAL CRIME****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 2411; PL 105-116**CFR Citation:** 38 CFR 1; 38 CFR 39**Legal Deadline:** None

Abstract: Public Law No. 105-116, 111 Stat. 2381 (codified at 38 U.S.C. 2411), provides that, under certain circumstances, the remains of certain persons who committed Federal or State capital crimes may not be interred in a VA national cemetery and the memory of such persons may not be memorialized in VA national cemetery. These statutory provisions also impose conditions on the receipt by a State of a VA grant to the State for veteran's cemetery regarding such interments or memorializations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Kenneth Greenberg, Program Analyst (402), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-5179

TDD Phone: 202 271-6697

RIN: 2900-AJ77**OFFICE OF POLICY AND PLANNING****3190. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS; GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC ch 75; 38 USC 501; PL 98-502**CFR Citation:** 38 CFR 41; 38 CFR 49**Legal Deadline:** None

Abstract: This document proposes to amend part 41 of VA's regulations to add new subparts to codify revised OMB Circular A-133. The Circular provides standards for consistency and uniformity among Federal agencies for the audits of States, local governments, and nonprofit organizations expending Federal awards. Further, this amendment proposes to add a new part 49 to VA's regulations to bring VA in step with other Federal agencies who have already adopted OMB Circular A-110 as a common rule. The Circular provides for uniform administrative requirements for Federal agencies with grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local

Agency Contact: David Walton, Office of Planning and Analysis (008), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5061

RIN: 2900-AJ62

Department of Veterans Affairs (VA)

Final Rule Stage

**VETERANS HEALTH
ADMINISTRATION****3191. PER DIEM FOR NURSING HOME
CARE OF VETERANS IN STATE
HOMES****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 1741; 38 USC 1742; 38 USC 1743; 38 USC 8131; 38 USC 8132; 38 USC 8133; 38 USC 8134; 38 USC 8135; 38 USC 8136; 38 USC 8137**CFR Citation:** 38 CFR 17.190 to 17.222**Legal Deadline:** None

Abstract: This document proposes to establish a new part 51 setting forth a mechanism for paying per diem to State homes providing nursing home care to eligible veterans. Under the proposal, VA would pay per diem to a State for providing nursing home care to eligible veterans in a facility if the Under Secretary for Health recognizes the facility as a State home based on a current VA certification that the facility meets the standards set forth in proposed subpart D. This new part would cover material currently in manuals. Also, it should supersede the regulations currently contained in 38 CFR 17.190 through 17.199 that pertain to payment of per diem for nursing home care in State homes. The standards in proposed subpart D are patterned after the standards of the the Department of Health and Human Services that nursing homes must meet to participate in the Medicare and Medicaid programs (see 42 CFR 483). The standards are intended to set forth minimum requirements necessary to ensure that VA pays per diem for eligible veterans only if the State home provides high quality care. The proposed regulations include application and inspection provisions. The Life Safety Code requires updating to the 1993 edition and various other technical and editorial changes need to be made.

Timetable:

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60227

Action	Date	FR Cite
NPRM Comment	01/08/99	
Period End		
Final Action	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Local

Agency Contact: L. Nan Stout, Chief, State Home Per Diem Program (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8538
Email: nan.stout@mail.va.gov

RIN: 2900-AE87**3192. PROVISION OF DRUGS AND
MEDICINES PRESCRIBED BY NON-VA
PHYSICIANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

Abstract: This document amends the "Medical" regulations concerning the criteria for provision of drugs and medicines by non-VA physicians for certain veterans. It is our view that the statutory framework inherently requires that the drugs provided be suitable; i.e., FDA-approved, high quality, and best value. In this regard, we have established a list of suitable drugs and medicines in the VA national formulary. Also, we have established a mechanism for allowing the provision of drugs and medicines not listed in the formulary. These changes are needed to ensure that VA provides only those drugs and medicines intended to be provided under the statutory authority. Also, this document makes nonsubstantive changes for the purpose of avoiding unnecessary duplication.

Timetable:

Action	Date	FR Cite
Final Action	12/00/99	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None

Agency Contact: Marsha Goodwin, Geriatrics and Extended Care, Department of Veterans Affairs,

Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8533

RIN: 2900-AJ24**3193. ADVANCED HEALTH CARE
PLANNING****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.32**Legal Deadline:** None

Abstract: This document proposes to amend the VA medical regulations to codify VA policy regarding advance health care planning. The proposed rule sets forth a mechanism for the use of written advance directives; i.e., a VA living will, a VA durable power of attorney for health care, and a State-authorized advance directive. The proposed rule also sets forth a mechanism for honoring verbal or nonverbal instructions from a patient when the patient is admitted to care when critically ill and loss of capacity may be imminent and the patient is not physically able to sign an advance directive form or the appropriate form is not readily available. This is intended to help ensure that VA acts in compliance with patients' wishes concerning future health care.

Timetable:

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58677
NPRM Comment	01/04/99	
Period End		
Final Action	04/00/00	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Ruth-Ann Phelps Ph.D., Health Science Specialist (10AE), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8473

RIN: 2900-AJ28

VA

Final Rule Stage

3194. PROVISION OF DRUGS AND MEDICINES TO CERTAIN VETERANS IN STATE NURSING HOMES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs medical regulations concerning the provision of drugs and medicines prescribed by non-VA physicians for certain veterans who are permanently housebound or in need of regular aid and attendance. The regulations are amended to allow prescriptions to be filled by non-VA pharmacies in State homes under contract with VA for filling prescriptions for patients in State homes. This is consistent with VA's special relationship with State homes. It will eliminate duplication in services and will help improve timeliness for filling prescriptions in State homes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/14/98	63 FR 37941
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Jeff Ramirez, Pharmacy Service (119), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8428

RIN: 2900-AJ34**VETERANS BENEFITS ADMINISTRATION****3195. SCHEDULE FOR RATING DISABILITIES—THE SKIN****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 1155**CFR Citation:** 38 CFR 4.118**Legal Deadline:** None

Abstract: These amendments will contain additions, deletions, and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate skin conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/91	56 FR 20171
ANPRM Comment Period End	07/01/91	
NPRM	01/19/93	58 FR 4969
NPRM Comment Period End	03/22/93	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 272-7210

RIN: 2900-AF00**3196. AMENDMENTS TO TRAINING AND REHABILITATION PROGRAMS****Priority:** Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 102-568

CFR Citation: 38 CFR 21.40; 38 CFR 21.260; 38 CFR 21.6005; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6052; 38 CFR 21.6054; 38 CFR 21.6056; 38 CFR 21.6058; 38 CFR 21.6420; 38 CFR 21.6501; 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6507; 38 CFR 21.6523; ...

Legal Deadline: None

Abstract: The Veterans' Benefits Act of 1992 extended the termination date for the program of vocational training for certain pensioners through December 31, 1995, and made permanent the programs protecting health care benefits for pensioners who lose their benefits due to income from work or training and the special counseling and employment services program for veterans with total disability ratings because of individual unemployability. In addition, the law authorizes a 10

percent increase in subsistence allowance for participants in the vocational rehabilitation program and extends eligibility for vocational rehabilitation to veterans with service-connected disability of 10 percent under certain conditions. The change also includes revisions to implement regulatory reform.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: David James, Counseling Psychologist (281), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7438
TDD Phone: 202 275-5636

RIN: 2900-AG00**3197. VISION****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 38 USC 1155**CFR Citation:** 38 CFR 4.75**Legal Deadline:** None

Abstract: This action will amend the vision portion of the rating schedule to provide current medical terminology, clarify ambiguous evaluation criteria, and add medical conditions not presently in the rating schedule.

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Dr. Carol McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420

VA

Final Rule Stage

Phone: 202 272-7210

RIN: 2900-AH43

3198. INTERVERTEBRAL DISC SYNDROME**Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.71(a)**Legal Deadline:** None**Abstract:** This action ensures that veterans diagnosed with intervertebral disc syndrome meet uniform criteria and receive consistent evaluations.**Timetable:**

Action	Date	FR Cite
NPRM	02/24/97	62 FR 8204
NPRM Comment Period End	04/25/97	
Final Action	03/00/00	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Dr. Carroll McBrine, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 272-7210

RIN: 2900-AI22

3199. NEW ELIGIBILITY CRITERIA FOR THE MONTGOMERY GI BILL—ACTIVE DUTY, OTHER MISCELLANEOUS ISSUES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3002; 38 USC 3011; 38 USC 3012; 38 USC 3018; 38 USC 3018C; 38 USC 3452; 38 USC 3680A; PL 104-275, sec 107**CFR Citation:** 38 CFR 21.4135; 38 CFR 21.5021; 38 CFR 21.5058; 38 CFR 21.5130; 38 CFR 21.7020; 38 CFR 21.7042; 38 CFR 21.7045; 38 CFR 21.7050; 38 CFR 21.7520**Legal Deadline:** None**Abstract:** This action will implement various provisions of the National Defense Authorization Act for fiscal year 1997 and the Veterans Benefits

Improvement Act of 1996. It will set forth new eligibility criteria that will allow additional individuals to establish eligibility for educational assistance under the Montgomery GI Bill—Active Duty; make permanent certain provisions concerning the approval of courses leading to alternative teacher certification; and make other modifications for the purpose of clarification.

Timetable:

Action	Date	FR Cite
NPRM	11/12/98	63 FR 63253
NPRM Comment Period End	01/11/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** State**Agency Contact:** William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AI63

3200. RESERVIST EDUCATION: MONTHLY VERIFICATION OF ENROLLMENT AND OTHER REPORTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16136(b); 38 USC 3680(g); 38 USC 3684; 38 USC 5113**CFR Citation:** 38 CFR 21.7635; 38 CFR 21.7654; 38 CFR 21.7656**Legal Deadline:** None**Abstract:** This rule will expand the current requirement that some reservists receiving educational assistance under the Montgomery GI Bill—Selected Reserve verify their pursuit of a program of education monthly to include those reservists who are pursuing a standard college degree. At the same time, the number of reports VA receives from educational institutions will be reduced. This will be a cost-effective way to reduce overpayments.**Timetable:**

Action	Date	FR Cite
NPRM	03/31/98	63 FR 15341

Action	Date	FR Cite
NPRM Comment Period End	06/01/98	
Final Action	03/00/00	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AI68

3201. VETERANS TRAINING: INCREASE IN RATES PAYABLE UNDER 38 U.S.C. CHAPTER 31**Priority:** Routine and Frequent**Legal Authority:** 38 USC 3108; 38 USC 3462(e); PL 101-237**CFR Citation:** 38 CFR 21.260(b)**Legal Deadline:** None**Abstract:** By statute, the monthly rates of basic subsistence allowance payable under 38 U.S.C. chapter 31 must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic subsistence allowance payable under 38 U.S.C. chapter 31 for fiscal year 1999 are changed to show a 1.6 percent increase in these rates.**Timetable:**

Action	Date	FR Cite
Final Action	12/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Charles A. Graffam, Veterans Claims Examiner (281), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7410

RIN: 2900-AI74

3202. AMENDED CRITERIA FOR APPROVAL OF FLIGHT TRAINING COURSES**Priority:** Substantive, Nonsignificant**Legal Authority:** 10 USC 16131(g); 38 USC 101(20); 38 USC 3032; 38 USC 3231; 38 USC 3680(g); 38 USC 3690

VA

Final Rule Stage

CFR Citation: 38 CFR 21.4200; 38 CFR 21.4263

Legal Deadline: None

Abstract: This proposal will amend the regulations governing the approval of flight training courses for VA training. It will bring these regulations into agreement with the current 2-year operation requirement that VA is required by statute to apply to approval of enrollments. It will also permit approval of courses offered pursuant to 14 CFR part 142.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/23/98	63 FR 34127
Final Action	04/00/00	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AI76

3203. USE OF FACILITIES TO PROVIDE TRAINING OR WORK EXPERIENCE FOR VETERANS

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-446

CFR Citation: 38 CFR 21.299

Legal Deadline: None

Abstract: The Veterans Benefits Improvement Act of 1994 authorized the Secretary to use any federally recognized Indian tribe to provide training or work experience as part or all of a veteran's vocational rehabilitation program without pay or for nominal pay. This change to VA regulations implements this Act.

Timetable:

Action	Date	FR Cite
Final Action	07/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Tribal

Agency Contact: Dr. Robert Lawson, Counseling Psychologist (28), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420

Phone: 202 273-7437

RIN: 2900-AJ01

3204. ELIGIBILITY REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: PL 103-271

CFR Citation: 38 CFR 3.256

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations concerning eligibility verification reports (EVRs) for recipients of pension under programs in effect prior to January 1, 1979. The amendment reduces the number of circumstances under which VA requires such pensioners to furnish annual EVRs. The intended effect of this amendment is to reduce the reporting burden on these beneficiaries, reduce the workload at VA regional offices, and enable VA to use its resources more effectively.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/06/98	63 FR 53593
Interim Final Rule	12/07/98	
Comment Period End		
Final Action	12/00/99	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7210

RIN: 2900-AJ09

3205. DEPENDENTS EDUCATION: ELIGIBILITY AND ENTITLEMENT STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: PL 90-631, sec 2; PL 97-377, sec 156; 38 USC 501(a); 38 USC 3482; 38 USC 3501; 38 USC 3511; 38 USC 3512; 38 USC 3532; 38 USC 3533;

38 USC 3541; 38 USC 3562; 38 USC 3681; 38 USC 3686; 38 USC 3687; 38 USC 5304

CFR Citation: 38 CFR 3.503; 38 CFR 3.667; 38 CFR 3.707; 38 CFR 3.807; 38 CFR 21.3020; 38 CFR 21.3021; 38 CFR 21.3023; 38 CFR 21.3040; 38 CFR 21.3041; 38 CFR 21.3042; 38 CFR 21.3043; 38 CFR 21.3044; 38 CFR 21.3045; 30 CFR 21.3046; 30 CFR 21.3047; ...

Legal Deadline: None

Abstract: This document will amend Department of Veterans Affairs education regulations to provide a new interpretation of when the eligibility period ends for children eligible for Survivors' and Dependents' Educational Assistance. It will also make changes to clarify many of these regulations and other changes to make the regulations easier to use.

Timetable:

Action	Date	FR Cite
Final Action	03/00/00	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ19

3206. VETERANS' BENEFITS ACT OF 1997

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-114, sec 404

CFR Citation: 38 CFR 3.29; 38 CFR 3.31; 38 CFR 3.114; 38 CFR 3.216; 38 CFR 3.814

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations concerning the monetary allowance for children suffering from spina bifida who are children of Vietnam veterans. This amendment is necessary to implement statutory changes contained in the Veterans' Benefits Act of 1997.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

VA

Final Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: James E. Adams, Deputy Assistant General Counsel (023), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6354

RIN: 2900-AJ25
3207. CASH VALUE FOR NATIONAL SERVICE LIFE INSURANCE (NSLI) TERM CAPPED POLICIES
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 1906**CFR Citation:** 38 CFR 8.14(a); 38 CFR 8.18**Legal Deadline:** None

Abstract: National Service Life Insurance regulations are being amended to provide for the payment of cash value for all current and future term capped policies, either by lump sum cash payment or by the purchase of paid-up additions (PUA) or a combination of the two. Under current law, policyholders whose policies lapse prior to age 96 do not receive any value reserved to their policies. Providing the options of cash values for individuals who no longer need insurance or paid-up additions for policyholders who want to retain insurance coverage without incurring further expense enables policyholders to choose what is best for them.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: George Poole, Chief, Program Administration and Oversight Staff (Insurance Service), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101
Phone: 215 842-2000

RIN: 2900-AJ35**3208. EXCLUSIONS FROM INCOME****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 10602(c)**CFR Citation:** 38 CFR 3.261; 38 CFR 3.262; 38 CFR 3.272**Legal Deadline:** None

Abstract: To exclude from countable income for VA purposes amounts received under the Victims of Crime Act of 1984.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Janice Jacobs, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7210

RIN: 2900-AJ52**3209. CHILD****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 101(4); 38 USC 104**CFR Citation:** 38 CFR 3.57**Legal Deadline:** None

Abstract: To exclude homeschool programs from the Definition of "School Child."

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Donald England, Chief Regulations Staff (211), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7217

RIN: 2900-AJ54
3210. DIC BENEFITS FOR SURVIVORS OF CERTAIN VETERANS RATED TOTALLY DISABLED AT TIME OF DEATH
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 1311; 38 USC 501(a)**CFR Citation:** 38 CFR 3.22; 38 CFR 3.54**Legal Deadline:** None

Abstract: This is an interpretative rule to clarify the Department of Veterans Affairs' conclusion that 38 U.S.C. 1318 authorizes payment of DIC only in cases where a veteran had, during his or her lifetime, established a right to receive total service-connected disability compensation for the period required by the statute.

Timetable:

Action	Date	FR Cite
Final Action	12/00/99	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Steven Thornberry, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7210

RIN: 2900-AJ65
3211. MODIFIED ELIGIBILITY CRITERIA FOR THE MONTGOMERY GI BILL—ACTIVE DUTY
Priority: Substantive, Nonsignificant**Legal Authority:** 38 USC 3011; 38 USC 3012; 38 USC 3016**CFR Citation:** 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7045**Legal Deadline:** None

Abstract: This rule will implement a provision of the Veterans Programs Enhancement Act of 1998 that changes the eligibility criteria for the Montgomery GI Bill—Active Duty.

Timetable:

Action	Date	FR Cite
Final Action	12/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ69

VA

Final Rule Stage

3212. SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE ACCELERATED BENEFITS OPTION**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-368, sec 302**CFR Citation:** 38 CFR 9.13**Legal Deadline:** None

Abstract: Section 302 of the Veterans Program Enhancement Act of 1998 (Pub. L. 105-368) authorizes the payment of accelerated benefits in the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs, effective February 9, 1999. This rule amends Department of Veterans Affairs (VA) regulations by providing an accelerated benefit option that will permit terminally ill members access to life insurance benefits before they die.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Gregory C. Hosmer, Senior Attorney/Insurance Specialist, Insurance Program Administration & Oversight, Department of Veterans Affairs, P.O. Box 8079, Philadelphia, PA 19101
Phone: 215 842-2000

RIN: 2900-AJ80**3213. • RATE INCREASE FOR THE EDUCATIONAL ASSISTANCE TEST PROGRAM; 1999-2000 ACADEMIC YEAR****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 2143**CFR Citation:** 38 CFR 21.5820; 38 CFR 21.5822**Legal Deadline:** None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually by the Secretary of Defense based upon the average actual cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded

that the rates for the 1999-2000 academic year should be increased by 4 percent over the rates payable for the 1998-99 academic year. The regulations dealing with these rates will be amended accordingly.

Timetable:

Action	Date	FR Cite
Final Action	03/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ87**3214. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 16136**CFR Citation:** 38 CFR 21.7636**Legal Deadline:** None

Abstract: By statute, the monthly rates of basic educational assistance payable to reservists under the Montgomery GI Bill—Selected Reserve must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Selected Reserve for fiscal year 2000 will be changed to show a 1.6 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Rule	03/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ88**3215. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3015**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137**Legal Deadline:** None

Abstract: By statute, the monthly rates of basic educational assistance payable to veterans under the Montgomery GI Bill—Active Duty must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Active Duty for fiscal year 2000 will be changed to show a 1.6 percent increase in these rates.

Timetable:

Action	Date	FR Cite
Final Action	01/00/00	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ89**3216. • MISCELLANEOUS MONTGOMERY GI BILL ELIGIBILITY AND ENTITLEMENT ISSUES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 3012**CFR Citation:** 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7073**Legal Deadline:** None

Abstract: This document will revise several regulations dealing with eligibility for the Montgomery GI Bill—Active Duty and entitlement under that benefit program. The regulations will be brought into agreement with the governing statutory language.

Timetable:

Action	Date	FR Cite
Final Action	03/00/00	

Regulatory Flexibility Analysis Required: No

VA

Final Rule Stage

Government Levels Affected: None

Agency Contact: William G. Susling Jr., Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7187
Email: edubsusl@vba.va.gov

RIN: 2900-AJ90**OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT****3217. VA ACQUISITION REGULATIONS PART 801, LEGAL/TECHNICAL REVIEW REQUIREMENTS****Priority:** Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 801.602-70; 48 CFR 801.602-71; 48 CFR 801.602-72; 48 CFR 801.602-73; 48 CFR 801.602-74; 48 CFR 801.602-75; 48 CFR 815.805-4; 48 CFR 816.102(a); 48 CFR 817.102-1; 48 CFR 817.402; 48 CFR 819.801; 48 CFR 842.000; 48 CFR 842.102; 48 CFR 842.202; 48 CFR 842.1203; ...

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending the Veterans Affairs Acquisition Regulations (VAAR) to remove requirements from the Code of Federal Regulations that have been determined to be VA internal procedures that do not affect the public.

Timetable:

Action	Date	FR Cite
Final Action	12/00/99	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

Email: donald.kaliher@mail.va.gov

RIN: 2900-AI96**3218. SEALED BIDDING AND COMPETITIVE PROPOSALS****Priority:** Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 806**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its Acquisition Regulations. Section 806.401 is amended to remove material which conflicts with the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/11/98	63 FR 11865
NPRM Comment Period End	05/11/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

Email: donald.kaliher@mail.va.gov

RIN: 2900-AI99**3219. VA ACQUISITION REGULATIONS: SIMPLIFIED ACQUISITION PROCEDURES****Priority:** Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 813; 48 CFR 852; 48 CFR 853

Legal Deadline: None

Abstract: This rule amends the Department of Veterans Affairs Acquisition Regulation (VAAR) concerning simplified acquisition procedures. It amends the VAAR to conform to the Federal Acquisition Regulation, to update references and section titles, to reorganize material, and to remove obsolete material. This rule adds a VAAR provision for use by contracting officers when complying with the requirements of FAR 52.102(c)(1) and (c)(2). The rule also requires the use of a FAR provision or a FAR clause when incorporating VAAR provisions or clauses by reference and provides the Internet addresses where FAR or VAAR provisions and clauses may be accessed electronically.

Timetable:

Action	Date	FR Cite
NPRM	06/04/99	64 FR 29981
NPRM Comment Period End	08/03/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

Email: donald.kaliher@mail.va.gov

RIN: 2900-AJ16**3220. VA ACQUISITION REGULATIONS; PART 802, DEFINITION OF "HEAD OF CONTRACTING ACTIVITY"****Priority:** Info./Admin./Other

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 802**Legal Deadline:** None

Abstract: This rule amends the Department of Veterans Affairs Acquisition Regulation (VAAR) concerning the definition of "Head of the Contracting Activity" (HCA). This

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amendment is necessary to ensure that the VAAR provides a single, consistent definition of HCA in order to unambiguously designate such individuals within the agency, by specifying that such individuals be appointed in writing by the Procurement Executive, and by amending the definition at 802.100(a), which specifies HCAs by position title.

Timetable:

Action	Date	FR Cite
Final Action	11/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Rita Williams, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8774
Email: rita.williams@mail.va.gov
RIN: 2900-AJ26

3221. VA ACQUISITION REGULATIONS: PART 801, VA CONTRACTING OFFICER CERTIFICATION PROGRAM

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 38 USC 501; 40 USC 486(c)

CFR Citation: 48 CFR 801

Legal Deadline: None

Abstract: This rule amends the Department of Veterans Affairs Acquisition Regulation (VAAR) concerning the VA Contracting Officer Certification Program (COCP). This amendment is necessary to delete information appropriate to an internal directive from the codified regulations. The amendment directs the reader's attention to a specific agency directive for information on the COCP.

Timetable:

Action	Date	FR Cite
Final Action	12/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Rita Williams, Senior Procurement Analyst (95A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-8774
Email: rita.williams@mail.va.gov
RIN: 2900-AJ33

BOARD OF VETERANS APPEALS**3222. BOARD OF VETERANS APPEALS—RULES OF PRACTICE—ATTORNEY FEE MATTERS**

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 5902; 38 USC 5904; 38 USC 5905

CFR Citation: 38 CFR 20.3; 38 CFR 20.609; 38 CFR 20.610

Legal Deadline: None

Abstract: The Board of Veterans Appeals is amending its rules of practice to end the practice of paying attorney fees from past-due benefits, establish safeguards in case of "disinterested third-party" payees who are individuals, and simplify certain notice procedures. These changes are necessary to permit VA to focus on activities more directly benefiting veterans and their families, i.e., deciding claims and coordinating benefit payments to veterans and their families, and to clarify the situations in which third parties may pay a claimants' legal fees.

Timetable:

Action	Date	FR Cite
NPRM	12/09/97	62 FR 64790
NPRM Comment Period End	02/09/98	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board

of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AI98

3223. APPEALS REGULATIONS, RULES OF PRACTICE: TITLE CHANGE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 20.608; 38 CFR 20.609; 38 CFR 20.610; 38 CFR 20.711

Legal Deadline: None

Abstract: The Board of Veterans' Appeals adjudicates appeals from denials of claims for veterans' benefits filed with the Department of Veterans Affairs (VA). This document amends the Board's Rules of Practice to correct the title of the Board's Chief Counsel.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AJ57

3224. DELEGATIONS OF AUTHORITY—APPEALS REGULATIONS AND RULES OF PRACTICE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 512; 38 USC 7101(a); 38 USC 7102; 38 USC 7104

CFR Citation: 38 CFR 19.2; 38 CFR 19.14; 38 CFR 20.102; 38 CFR 20.606(d)

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its Appeals Regulation and Rules of Practice to update the delegations of authority to Members of the Board and to include the definition of "Chief Members" to whom some authority is delegated.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

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Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AJ66

3225. CASE DOCKETING—APPEALS REGULATIONS AND RULES OF PRACTICE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7107; PL 103-446, sec 302

CFR Citation: 38 CFR 19.75; 38 CFR 20.704; 38 CFR 20.900

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its Appeals Regulations and Rules of Practice to comply with Public Law 105-368, section 1003, "Veterans Programs Enhancement Act of 1998." These changes will reflect the way in which the Board processes cases before it. These procedures will affect several types of cases—those which are advanced on the hearing docket, the order in which they are considered, and a new provision added to permit postponement of consideration of a case in order to afford an appellant a hearing.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AJ72

3226. NOTIFICATION OF REPRESENTATIVES IN CONNECTION WITH MOTIONS FOR REVISION OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKABLE ERROR

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7104(d); 38 USC 7111

CFR Citation: 38 CFR 20.1405

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its Rules of Practice at 38 CFR part 20 to add procedures for notifying representatives when parties file motions to challenge final Board decisions on the grounds of "clear and unmistakable error" (CUE). The change is required to help assure that veterans have the benefit of representation in connection with CUE motions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/12/99	64 FR 7090
Interim Final Rule Effective	02/12/99	
Interim Final Rule Comment Period End	03/15/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AJ75

3227. • BOARD OF VETERAN'S APPEAL; RULES OF PRACTICE—MOTION FOR REVIEW OF DECISIONS ON GROUNDS OF CLEAR AND UNMISTAKEABLE ERROR: CONTENT OF RECORD; ADVANCEMENT ON THE DOCKET

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 7104(d); 38 USC 7111

CFR Citation: 38 CFR 20.1403; 38 CFR 20.1405(a); 38 CFR 20.1405(b)

Legal Deadline: None

Abstract: The Board of Veterans' Appeals is amending its Rules of Practice at 38 CFR part 20 to add procedures which would (1) eliminate a provision relating to "constructive notice" as to the record to be reviewed in connection with challenges to Board decisions on the grounds of clear and unmistakable error (CUE) and (2) add a provision to provide for advancing CUE motions on the docket.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 205 565-5978

RIN: 2900-AJ85

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

3228. DELEGATION OF AUTHORITY—DECISIONMAKING REGARDING DISCRIMINATION

Priority: Info./Admin./Other

Legal Authority: 5 USC 553

CFR Citation: 38 CFR 2

Legal Deadline: None

Abstract: This document delegates to certain Department of Veterans Affairs officials authority to make final agency decisions regarding the procedural acceptability of equal employment opportunity discrimination complaints. It also delegates authority to those officials to make final agency decisions which determine whether a breach of an equal employment opportunity complaint settlement agreement has occurred.

Timetable:

Action	Date	FR Cite
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ventris C. Gibson, Deputy Assistant Secretary for Resolution Management (08), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-9437
Email: ventris.gibson@mail.va.gov

RIN: 2900-AJ63

VA

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OFFICE OF THE GENERAL COUNSEL**3229. RELEASE OF INFORMATION FROM DEPARTMENT OF VETERANS AFFAIRS RECORDS****Priority:** Other Significant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 552; 5 USC 552a; 38 USC 5701

CFR Citation: 38 CFR 1.500 to 1.584

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs regulations governing the confidentiality and release of VA records subject to the Privacy Act, 5 U.S.C. 552a, the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the veterans' records confidentiality statute (section 5701), 38 U.S.C. 5701. The amendments will implement court decisions and executive branch guidance issued since the regulations were originally published. The amendment is part of the Administration's effort to simplify,

clarify, and modernize Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/10/98	63 FR 48455
NPRM Comment Period End	11/09/98	
Final Action	12/00/99	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lorraine M. Johnson, Deputy Assistant General Counsel (024A), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 273-6381

RIN: 2900-AH98

3230. RECOGNITION OF ORGANIZATIONS AND ACCREDITATION OF REPRESENTATIVES

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 5 USC 301; 38 USC 501(a); 38 USC 5901 to 5905

CFR Citation: 38 CFR 14.626 to 14.635

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to revise and clarify existing procedures and requirements regarding certification or recognition of service organizations and their representatives and other individuals, agents, and attorneys representing claimants for benefits administered by VA. The revisions are designed to improve VA's ability to assure high quality representation of claimants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/98	63 FR 59495
NPRM Comment Period End	01/04/99	
Final Action	04/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: Richard J. Hipolit, Deputy Assistant General Counsel (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420 Phone: 202 273-6329

RIN: 2900-AI93

Department of Veterans Affairs (VA)**Long-Term Actions****VETERANS HEALTH ADMINISTRATION****3231. PROTECTION OF HUMAN SUBJECTS**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 16

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Timothy Gerrity Phone: 202 273-8284

RIN: 2900-AJ08

VETERANS BENEFITS ADMINISTRATION**3232. LOAN GUARANTY: TITLE EVIDENCE REQUIREMENTS AND OCCUPANCY REQUIREMENTS FOR CONVEYANCE OF PROPERTIES TO VA**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 36.4320

Timetable:

Action	Date	FR Cite
NPRM	08/06/90	55 FR 31847
NPRM Comment Period End	10/05/90	
NPRM Comment Period Extended	10/05/90	55 FR 35325
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Richard Fyne Phone: 202 273-7380

RIN: 2900-AE20

3233. ACCEPTANCE OF PARTIAL PAYMENTS; INDEMNIFICATION OF DEFAULT

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 4202; 38 CFR 4275; 38 CFR 4301; 38 CFR 4315; 38 CFR 4323

Timetable:

Action	Date	FR Cite
NPRM	03/02/94	59 FR 9944
NPRM Comment Period End	05/02/94	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

VA

Long-Term Actions

Government Levels Affected: None

Agency Contact: Richard Fyne
Phone: 202 273-7380

RIN: 2900-AE60

3234. SCHEDULE FOR RATING DISABILITIES—THE ORTHOPEDIC SYSTEM

Priority: Other Significant

CFR Citation: 38 CFR 4.71(a)

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53315
ANPRM Comment Period End	02/26/91	
NPRM	10/00/00	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Carol McBrine
Phone: 202 272-7210

RIN: 2900-AE91

3235. MEDICAL EVIDENCE THAT A DISABILITY HAS IMPROVED

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.344

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald England
Phone: 202 273-7217

RIN: 2900-AH82

3236. CHILD CUSTODY

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.24(b); 38 CFR 3.24(c); 38 CFR 3.57(d)

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald England
Phone: 202 273-7217

RIN: 2900-AI10

3237. CLAIMS BASED ON AGGRAVATION OF NONSERVICE-CONNECTED DISABILITY

Priority: Other Significant

CFR Citation: 38 CFR 3.310

Timetable:

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Judy Veres
Phone: 202 273-7210

RIN: 2900-AI42

3238. REVISION OF DECISION

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.7; 38 CFR 3.103(a); 38 CFR 3.105(b); 38 CFR 3.321; 38 CFR 3.400; 38 CFR 3.401; 38 CFR 3.800

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Donald England
Phone: 202 273-7217

RIN: 2900-AI64

3239. • LOAN GUARANTY: ADVERTISING AND SOLICITATION DISCLOSURE REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 36.4227; 38 CFR 36.4365

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is proposing to change its regulations by prohibiting advertisements or solicitations from lenders that falsely state or imply that they were issued by or at the direction of VA or any other entity of the United States. This change would also provide that each written advertisement or solicitation from a private lender concerning VA-guaranteed loans include a statement indicating that the

lender is a private lender and that the lender does not have an exclusive right to make loans guaranteed by VA. These provisions appear to be necessary to ensure that lenders do not provide misleading information.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7368

RIN: 2900-AJ86

3240. • LOAN GUARANTY: REVISION TO VA WORK RULES FOR CREDIT SCORED LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 39 USC 501(a)

CFR Citation: 38 CFR 36.4346; 38 CFR 3702(c)(1)

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is proposing to change its regulations on the servicing requirements for loan holders to reflect the use of credit scoring models in allocating resources for loan servicing. Credit scoring has proven to be an effective means for holders to determine the risk of loans becoming seriously delinquent. Testing of revised work rules on credit scored loans has shown that lower risk loans usually reinstate, even when fewer resources are allocated to servicing those loans. This change will relax VA's servicing requirements for lower risk loans, so that loan holders can allocate their resources to higher risk loans which need more attention. The change should enable holders and VA to achieve fewer losses with the same resources.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

VA

Long-Term Actions

Agency Contact: Richard Fyne, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7380

RIN: 2900-AJ91

3241. • LOAN GUARANTY: CREDIT STANDARDS REVISION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 36.4337

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) reviews its credit standards regulations from time to time and revises them when necessary to reflect changes in the mortgage lending industry and in economic conditions. One change VA may consider is a requirement that first-time homebuyers obtain prepurchase counseling before obtaining VA-guaranteed loans. This is because first-time homebuyers may not have enough experience at handling debt which may increase the likelihood of default. Other changes to the credit standards will be considered as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7368

RIN: 2900-AJ92

BOARD OF VETERANS APPEALS**3242. APPEALS REGULATIONS; RULES OF PRACTICE**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 19.3 (Revision); 38 CFR 19.10; 38 CFR 19.15 (Revision);

38 CFR 19.39; 38 CFR 20.3; 38 CFR 20.101 (Revision); 38 CFR 20.102 (Revision); 38 CFR 20.201 (Revision); 38 CFR 20.605 (Revision); 38 CFR 20.609 (Revision); 38 CFR 20.903 (Revision); 38 CFR 20.1000; 38 CFR 20.1001; 38 CFR 20.1002; 38 CFR 20.1100 (Revision); ...

Timetable:

Action	Date	FR Cite
NPRM	02/03/92	57 FR 4131
NPRM Comment	03/04/92	
Period End		
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller
Phone: 205 565-5978

RIN: 2900-AE78

3243. RULES OF PRACTICE; HEARINGS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 20.702; 38 CFR 20.703; 38 CFR 20.704; 38 CFR 20.707; 38 CFR 20.711; 38 CFR 20.714; 38 CFR 20.716; 38 CFR 20.717; 38 CFR 20.1003; 38 CFR 2.1; 38 CFR 19.75

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven L. Keller
Phone: 205 565-5978

RIN: 2900-AG07

3244. RULES OF PRACTICE: MEDICAL OPINIONS; APPEAL PROCESSING AND SUBMISSION OF ADDITIONAL EVIDENCE

Priority: Other Significant

CFR Citation: 38 CFR 19.36; 38 CFR 20.800; 38 CFR 20.801; 38 CFR 20.802; 38 CFR 20.901; 38 CFR 20.1304

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Steven L. Keller
Phone: 205 565-5978

RIN: 2900-AG90

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY**3245. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 23

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Ellis Jones Hodges
Phone: 202 273-7632

RIN: 2900-AJ11

OFFICE OF THE ASSISTANT SECRETARY FOR ACQUISITION AND FACILITIES**3246. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17

Timetable:

Action	Date	FR Cite
NPRM	12/27/89	54 FR 53078
NPRM Comment	01/26/90	
Period End		

Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: None

Agency Contact: Renee Bruce
Phone: 410 605-7388

RIN: 2900-AD48

Department of Veterans Affairs (VA)

Completed Actions

3247. RECONSIDERATION OF DENIED CLAIMS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.133**Completed:**

Reason	Date	FR Cite
Final Action	08/17/99	64 FR 44659
Final Action Effective	08/17/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Troy Baxley
Phone: 202 273-8301**RIN:** 2900-AJ03**3248. MEDICATION PRESCRIBING AUTHORITY****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17**Completed:**

Reason	Date	FR Cite
NPRM	05/04/99	64 FR 23812
Withdrawn	05/21/99	64 FR 27733

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Ronald J. Gebhart
Phone: 202 273-8558**RIN:** 2900-AJ07**3249. ENROLLMENT AND PROVISIONS OF HOSPITAL CARE AND MEDICAL SERVICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 1710**Completed:**

Reason	Date	FR Cite
Final Action	10/06/99	64 FR 54207
Final Action Effective	11/05/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Roscoe G. Butler
Phone: 202 273-8302**RIN:** 2900-AJ18**3250. MEDICAL CARE COLLECTION OR RECOVERY****Priority:** Other Significant**CFR Citation:** 38 CFR 17.101; 38 CFR 17.102**Completed:**

Reason	Date	FR Cite
Final Action	04/27/99	64 FR 22676
Final Action Effective	09/01/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** David Cleaver
Phone: 202 273-8210**RIN:** 2900-AJ30**3251. ENROLLMENT—PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS—PRIORITY CATEGORY 7****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 17.36**Completed:**

Reason	Date	FR Cite
Withdrawn for Further Consideration	10/19/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Roscoe G. Butler
Phone: 202 273-8302**RIN:** 2900-AJ71**3252. SCHEDULE FOR RATING DISABILITIES—DISEASES OF THE EAR AND OTHER SENSE ORGANS****Priority:** Other Significant**CFR Citation:** 38 CFR 4.75; 38 CFR 4.76; 38 CFR 4.77; 38 CFR 4.78; 38 CFR 4.79; 38 CFR 4.80; 38 CFR 4.83; 38 CFR 4.84; 38 CFR 4.85; 38 CFR 4.86; 38 CFR 4.87**Completed:**

Reason	Date	FR Cite
Final Action	05/11/99	64 FR 25202

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Carroll McBride
Phone: 202 272-7210**RIN:** 2900-AF22**3253. FIBROMYALGIA****Priority:** Other Significant**CFR Citation:** 38 CFR 4.71(a)**Completed:**

Reason	Date	FR Cite
Final Action	06/17/99	64 FR 32410
Final Action Effective	06/17/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Carroll McBride
Phone: 202 272-7210**RIN:** 2900-AH05**3254. SERVICE CONNECTION FOR DENTAL CONDITIONS FOR TREATMENT PURPOSES****Priority:** Other Significant**CFR Citation:** 38 CFR 3.381**Completed:**

Reason	Date	FR Cite
Final Action	06/08/99	64 FR 30392
Final Action Effective	06/08/99	64 FR 30393

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Janice Jacobs
Phone: 202 273-7210**RIN:** 2900-AH41**3255. VETERANS EDUCATION: EFFECTIVE DATE FOR THE AWARD OF EDUCATIONAL ASSISTANCE****Priority:** Info./Admin./Other**CFR Citation:** 38 CFR 21.7131**Completed:**

Reason	Date	FR Cite
Final Action	05/04/99	64 FR 23769
Final Action Effective	06/03/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** William G. Susling
Phone: 202 273-7187
Email: edubsusl@vba.va.gov**RIN:** 2900-AH76**3256. VETERANS EDUCATION: ADVANCED PAYMENTS AND LUMP SUM PAYMENTS FOR EDUCATIONAL ASSISTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.4138; 38 CFR 21.7140

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	09/30/99	64 FR 52650
Final Action Effective	09/30/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling
 Phone: 202 273-7187
 Email: edubsusl@vba.va.gov

RIN: 2900-AI31**3257. LOAN GUARANTY: REQUIREMENTS FOR INTEREST RATE REDUCTION REFINANCING LOANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4306a**Completed:**

Reason	Date	FR Cite
Final Rule	04/23/99	64 FR 19906
Final Rule Effective	05/24/99	
Final Action	05/26/99	64 FR 28363

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Robert Finneran
 Phone: 202 273-7368

RIN: 2900-AI92**3258. DIRECT SERVICE CONNECTION (POST-TRAUMATIC STRESS DISORDER)****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.304(f)**Completed:**

Reason	Date	FR Cite
Final Action	06/18/99	64 FR 32807

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Donald England
 Phone: 202 273-7217

RIN: 2900-AI97**3259. ADDITIONAL REQUIREMENTS FOR INTEREST RATE REDUCTION REFINANCING LOANS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 36.4306a**Completed:**

Reason	Date	FR Cite
Withdrawn	10/20/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Robert Finneran
 Phone: 202 273-7368

RIN: 2900-AJ02**3260. VETERANS AND DEPENDENTS EDUCATION: INCREASE IN EDUCATIONAL ASSISTANCE RATES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7136; 38 CFR 21.7137**Completed:**

Reason	Date	FR Cite
Final Action	06/14/99	64 FR 31693

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling
 Phone: 202 273-7187
 Email: edubsusl@vba.va.gov

RIN: 2900-AJ37**3261. RESERVIST EDUCATION: INCREASE IN EDUCATIONAL RATES****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7636**Completed:**

Reason	Date	FR Cite
Final Action	05/14/99	64 FR 26297
Final Action Effective	05/14/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling
 Phone: 202 273-7187
 Email: edubsusl@vba.va.gov

RIN: 2900-AJ38**3262. VETERANS EDUCATION: EFFECTIVE DATE FOR DISCONTINUING EDUCATIONAL ASSISTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7135**Completed:**

Reason	Date	FR Cite
Final Action	07/19/99	64 FR 38576
Final Action Effective	07/19/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling
 Phone: 202 273-7187
 Email: edubsusl@vba.va.gov

RIN: 2900-AJ39**3263. VETERANS EDUCATION: INCREASED ALLOWANCES FOR THE EDUCATIONAL ASSISTANCE TEST PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7636; 38 CFR 21.5822**Completed:**

Reason	Date	FR Cite
Final Action	08/17/99	64 FR 44660
Final Action Effective	08/17/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: William G. Susling
 Phone: 202 273-7187
 Email: edubsusl@vba.va.gov

RIN: 2900-AJ40**3264. SCHEDULE FOR RATING DISABILITIES: DISABILITIES OF THE LIVER****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 4.114**Completed:**

Reason	Date	FR Cite
Withdrawn - merged into 2900-AF24	09/01/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Carol McBrine
 Phone: 202 272-7210

RIN: 2900-AJ46**3265. PENSION BENEFITS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.551**Completed:**

Reason	Date	FR Cite
Final Action	06/18/99	64 FR 32807

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Donald England
 Phone: 202 273-7217

RIN: 2900-AJ50

VA

Completed Actions

3266. REINSTATEMENT OF BENEFITS ELIGIBILITY BASED UPON TERMINATED MARITAL RELATIONSHIPS**Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.55**Completed:**

Reason	Date	FR Cite
Final Action	06/07/99	64 FR 30244

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** John Bisset
Phone: 202 273-7210**RIN:** 2900-AJ53**3267. RETURNED AND CANCELED CHECKS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.1003**Completed:**

Reason	Date	FR Cite
Final Action	10/06/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Donald England
Phone: 202 273-7217**RIN:** 2900-AJ61**3268. SURVIVING SPOUSES BENEFIT FOR MONTH OF VETERAN'S DEATH****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 3.20**Completed:**

Reason	Date	FR Cite
Final Action	06/08/99	64 FR 30391
Final Action Effective	06/08/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Donald England
Phone: 202 273-7217**RIN:** 2900-AJ64**3269. VETERANS EDUCATION: MONTGOMERY GI BILL—ACTIVE DUTY—ADMINISTRATIVE ERROR****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 21.7135**Completed:**

Reason	Date	FR Cite
Final Action	09/27/99	64 FR 51901
Final Action Effective	09/27/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** William G. Susling
Phone: 202 273-7187
Email: edubsusl@vba.va.gov
RIN: 2900-AJ70**3270. • DEFINITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.1; 38 CFR 3.50; 38 CFR 3.57; 38 CFR 3.59**Legal Deadline:** None**Abstract:** This action proposes to amend the regulations in part 3 of title 38, United States Code, to conform to the Presidential Memorandum of June 1, 1998, Plain Language in Government Writing, by revising the definitions of commonly used terms.**Timetable:**

Action	Date	FR Cite
Withdrawn	10/26/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Robert M. White, Team Leader, Plain Language Regulations Project, Department of Veterans Affairs, Veterans Benefits Administration, 1800 G Street NW, Washington, DC 20420
Phone: 202 273-7228
Fax: 202 275-4800**RIN:** 2900-AJ94**3271. PURCHASE CARD/ELECTRONIC DATA INTERCHANGE****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 812; 48 CFR 832; 48 CFR 852**Completed:**

Reason	Date	FR Cite
Withdrawn from OMB.	05/17/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Donald E. Kaliher

Phone: 202 273-8819

Email: donald.kaliher@mail.va.gov

RIN: 2900-AI41**3272. VAAR PART 803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICT OF INTEREST, AND PART 852—SOLICITATION PROVISIONS IN CONTRACT CLAUSES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 803; 48 CFR 852**Completed:**

Reason	Date	FR Cite
Final Action	06/08/99	64 FR 30442
Final Action Effective	06/08/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Rita Williams
Phone: 202 273-8774
Email: rita.williams@mail.va.gov**RIN:** 2900-AJ06**3273. VA ACQUISITION REGULATION: TAXES****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 829**Completed:**

Reason	Date	FR Cite
Final Action	07/19/99	64 FR 38592
Final Action Effective	08/19/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State, Local**Agency Contact:** Donald E. Kaliher
Phone: 202 273-8819
Email: donald.kaliher@mail.va.gov**RIN:** 2900-AJ32**3274. VA ACQUISITION REGULATIONS: BONDS AND INSURANCE****Priority:** Info./Admin./Other**CFR Citation:** 48 CFR 828; 48 CFR 852**Completed:**

Reason	Date	FR Cite
Final Action	07/27/99	64 FR 40518
Final Action Effective	07/27/99	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Donald E. Kaliher

VA

Completed Actions

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RIN: 2900-AJ47

**3275. NATIONAL CEMETERY
ADMINISTRATION TITLE CHANGES**
Priority: Info./Admin./Other
CFR Citation: 38 CFR 1; 38 CFR 2; 38
CFR 3; 38 CFR 39
Completed:

Reason	Date	FR Cite
Final Action	06/07/99	64 FR 30244
Final Action Effective	06/07/99	

**Regulatory Flexibility Analysis
Required:** No
Government Levels Affected: None
Agency Contact: Sonja McCombs
Phone: 202 273-5183

TDD Phone: 202 273-6697
RIN: 2900-AJ79

**3276. DELEGATIONS OF AUTHORITY;
FEDERAL TORT CLAIMS**
Priority: Substantive, Nonsignificant
CFR Citation: 38 CFR 2; 38 CFR 2.6;
38 CFR 14; 38 CFR 14.601; 38 CFR
14.604
Completed:

Reason	Date	FR Cite
Final Action	08/30/99	64 FR 47111
Final Action Effective	08/30/99	

**Regulatory Flexibility Analysis
Required:** No
Government Levels Affected: None
Agency Contact: E. Douglas Bradshaw
Phone: 202 273-6481
RIN: 2900-AJ31

**3277. ENTITIES AUTHORIZED TO
RECEIVE AND DISTRIBUTE
DEPARTMENT OF DEFENSE
SURPLUS FOOD**
Priority: Substantive, Nonsignificant
CFR Citation: 38 CFR 17.1000(New)
Completed:

Reason	Date	FR Cite
Withdrawn	08/12/99	

**Regulatory Flexibility Analysis
Required:** No
Government Levels Affected: None
Agency Contact: Peter Dougherty
Phone: 202 273-5774
RIN: 2900-AI82
[FR Doc. 99-23636 Filed 11-19-99; 8:45 am
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